

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALISON MICHELE CRUZ, *on behalf of herself and all others similarly situated,*

Plaintiff,

-against-

MY SWEET MUFFIN, LLC,

Defendant.

1:23-cv-05418 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

The Court scheduled an initial pre-trial conference in this matter for September 15, 2023 at 2:00 PM. [ECF No. 12]. The Court directed the parties to submit, one week before the conference, a Proposed Case Management Plan and joint letter, as required by this Court's Individual Rules of Practice. [ECF No. 12]. To date the parties have not submitted a Proposed Case Management Plan and joint letter.

As such, the initial pre-trial conference scheduled for September 15, 2023 at 2:00 PM is **ADJOURNED to October 17, 2023 at 10:30 AM in person** in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. On or before October 10, 2023 (one week before the conference), the parties shall submit a Proposed Case Management Plan and joint letter, as required by this Court's Individual Rules of Practice and as specified in the Court's scheduling order at ECF No. 12. That joint letter should include:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include

citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;

3. A statement of procedural posture, including

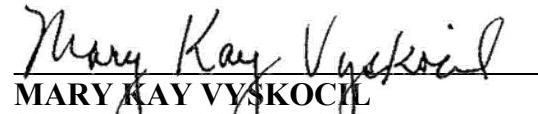
- a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
  - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
  - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

**FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN SANCTIONS.**

**THE COURT WILL NOT ADJOURN THIS CONFERENCE AGAIN BECAUSE OF THE PARTIES' FAILURE TO COMPLY WITH THE COURT'S ORDERS.**

**SO ORDERED.**

Date: September 11, 2023  
New York, NY

  
MARY KAY VYSKOCIL  
United States District Judge